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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ALEJANDRO ROSALES, individually,  
  
Plaintiff,  
  
vs.

CASE NO.:

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT, a political  
subdivision of the State of Nevada; and  
DOE OFFICERS I - XX,  
  
Defendants.

**COMPLAINT**

COMES NOW, Plaintiff, Alejandro Rosales, by and through his attorneys of record, Jared R. Richards, Esq. and Dustin E. Birch, Esq. of Clear Counsel Law Group, and hereby complains against Defendant, Las Vegas Metropolitan Police Department, as follows:

**INTRODUCTION**

1. This is a civil rights action brought by Alejandro Rosales against the Las Vegas Metropolitan Police Department and its officers for violations of Mr. Rosales' rights guaranteed by the United States Constitution while he lawfully filmed during a Black Lives Matter event by Metro officers.

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3. At all times herein mentioned, Plaintiff, Alejandro Rosales, is and was a resident of Clark County, Nevada.

5. Defendant DOE Officers are officers of the Las Vegas Metropolitan Police Department acting under color of law and will be specifically identified once their identities are known to Plaintiff.

6. This Court has original jurisdiction in this civil rights action pursuant to 28 U.S.C. §§ 1331 and 1343(3) and (4).

8. Plaintiff invokes this Court’s supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a) to hear and adjudicate over any and all state constitutional and state law claims that share a common nucleus of operative fact with the claims within the original jurisdiction of this Court.

9. Venue is appropriate in this matter under 28 U.S.C. § 1391 because all relevant facts giving rise to this action occurred in this Court's judicial district.

- 2 -

**STATEMENT OF FACTS**

10. Plaintiff is a Facebook influencer and has a large following.

11. Mr. Rosales was filming a Black Lives Matter police barricade near the front of Casar's Palace on or about May 29, 2020.

12. While filming and talking to his Facebook followers regarding the Black Lives Matter activities taking place on the Las Vegas Strip, Plaintiff stepped into the street and began crossing the street within a crosswalk.

13. LVMPD Officers suddenly and without provocation rushed Plaintiff and threw him to the ground.

14. Plaintiff was subsequently arrested for violation of NRS 203.020 – Failure to Disperse.

15. While standing a reasonable and safe distance away, Mr. Rosales used a cellular telephone to record the event. This reasonable and safe distance ensured that Mr. Rosales was in no way interfering with the police activities.

16. Mr. Rosales' recording of the event was open and obvious.

17. Mr. Rosales is seeking damages in excess of \$15,000.00.

**CAUSES OF ACTION**

**FIRST CLAIM FOR RELIEF**

**42 U.S.C. § 1983 and First and Fourteenth Amendments**

**Against Doe Officers**

18. Plaintiff repeats and realleges by reference all prior paragraphs as if fully set forth herein.

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23. As a direct and proximate result of the Defendant Officers' unlawful conduct, Plaintiff has suffered physical, mental and emotional injury, and mental anguish, suffering, humiliation, embarrassment and deprivation of his Constitutional rights.

24. Plaintiff repeats and realleges by reference all prior paragraphs as if fully set forth herein.

1           25.     The conduct of Defendant Officers, described herein, while acting under color of  
2 state law, violated Mr. Rosales' right to be free from unreasonable search and seizure and arrest  
3 without reasonable suspicion or probable cause as required by the Fourth and Fourteenth  
4 Amendments. Defendant Officer is therefore liable under 42 U.S.C. § 1983 which prohibits the  
5 deprivation under color of state law, of any rights, privileges or immunities guaranteed by the  
6 United States Constitution.

7           26.     As a direct and proximate result of Defendant Officers' unlawful conduct, Plaintiff  
8 has suffered physical, mental and emotional injury and mental anguish, suffering, humiliation,  
9 embarrassment and a deprivation of Constitutional rights.  
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11                           **THIRD CLAIM FOR RELIEF**

12                           **42 U.S.C. § 1983 and Fourth and Fourteenth Amendments**

13                           **Against Doe Officers**

14           27.     Plaintiff repeats and realleges by reference all prior paragraphs as if fully set forth  
15 herein.

16           28.     The conduct of Defendant Officers, as described herein, while acting under color of  
17 state law, violated Mr. Rosales' right to be free from excessive force pursuant to the Fourth and  
18 Fourteenth Amendments. Defendant Officers are therefore liable under 42 U.S.C. § 1983 which  
19 prohibits the deprivation under color of state law, of any rights, privileges or immunities secured  
20 by the United States Constitution.  
21

22           29.     As a direct and proximate result of the Defendant Officers' unlawful conduct,  
23 Plaintiff has suffered physical, mental and emotional injury and mental anguish, suffering,  
24 humiliation, embarrassment and a deprivation of Constitutional rights.  
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**FOURTH CLAIM FOR RELIEF**

**42 U.S.C. § 1983 and Fifth and Fourteenth Amendments**

**Against Doe Officer**

30. Plaintiff repeats and realleges by reference all prior paragraphs as if fully set forth herein.

31. The conduct of Defendant Officers, as described herein, while acting under color of state law, denied Mr. Rosales of his right to be free from any deprivation of liberty without due process of law under the Fifth and Fourteenth Amendments. Defendant Officers are therefore liable under 42 U.S.C. § 1983 which prohibits the deprivation under color of state law, of any rights, privileges or immunities secured by the United States Constitution.

32. As a direct and proximate result of Defendant Officers' unlawful conduct, Plaintiff has suffered, physical, mental and emotional injury and mental anguish, suffering, humiliation, embarrassment and deprivation of Constitutional rights.

**FIFTH CLAIM FOR RELIEF**

***(Monell Claim)***

33. Plaintiff repeats and realleges by reference all prior paragraphs as if fully set forth herein.

34. Defendant Las Vegas Metropolitan Police Department directly caused the constitutional violations suffered by Plaintiff and is liable for the damages suffered by Plaintiff as a result of the conduct of Defendant Officers.

35. The conduct of Defendant Officers was a direct consequence of de facto policies and practices implemented, condoned, fostered and tacitly sanctioned by Defendants which reflect a willful indifference to Plaintiff's constitutional rights.

1           36.     The de facto policies and practices implemented, condoned, fostered and tacitly  
2 sanctioned by Defendants were a direct and proximate cause of Plaintiff's damages and injuries  
3 complained of herein.

4           37.     Defendant Officers' actions were done willingly, knowingly, and with specific  
5 intent to deprive Plaintiff of his rights under the First, Fourth, Fifth and Fourteenth Amendments  
6 to the United States Constitution.

7           38.     These constitutional abuses and violations of Defendant Officers were directly and  
8 proximately caused by the policies and practices implemented, condoned, fostered and tacitly  
9 sanctioned by the Las Vegas Metropolitan Police Department.

10           39.     By implementing, condoning, fostering and tacitly sanctioning these policies and  
11 practices, Defendant Las Vegas Metropolitan Police Department has failed to adequately supervise  
12 and train its officers, including the Defendant Officer. As a result, Defendant Las Vegas  
13 Metropolitan Police Department has failed to adequately discourage constitutional violations on  
14 the part of its officers or to monitor and discipline its officers.

15           40.     As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has  
16 suffered physical, mental and emotional injury, and mental anguish, suffering, humiliation,  
17 embarrassment and a deprivation of Constitutional rights.

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20                               **PRAYER FOR RELIEF**

21           Plaintiff prays for judgment against Defendants, jointly and severally, as follows:

- 22           a.     A declaration that Defendants' conduct violated the First, Fourth, Fifth, and  
23 Fourteenth Amendments to the U.S. Constitution;  
24           b.     Injunctive relief against further Constitutional violations as described herein;  
25           c.     Pain and suffering as a result of Defendant's excessive force;

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1 d. Attorney's fees and costs of suit pursuant to 42 U.S.C. § 1988 and 28 U.S.C. §  
2 1920;

3 e. Pecuniary relief for damages caused;

4 f. Any such other and further relief as this Court may deem appropriate and  
5 equitable, including declaratory relief as may be required in the interests of justice.

6 **I. JURY DEMAND**

7 Plaintiff hereby demands a trial by jury on all issues so triable.

8 DATED this 27th day of October 2021.

9  
10 CLEAR COUNSEL LAW GROUP

11 /s/ Dustin E. Birch

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